FARAD CONTINUATION SHEET NO.:
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
FIRST APPEAL NO.870 OF 2004

Office Notes, Office Memoranda of coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders.

Mr.G.S.Godbole for appellants.
Mr.S.U.Dhakephalkar for res.Nos.1 to 6.
Mr.Manoj Bhatt for res.Nos.7 and 9 to 15.
Mr.L.M.Acharya for res.Nos.16 to 18.

Respondent No.8 since deceased represented by respondent Nos.7 and 9 to all.

CORAM : H.L GOKHALE &
R.S.MOHITE, JJ.
DATED : 6th December 2004

P.C. :

1. Heard the Counsel for the parties. A notice was given in this matter for final disposal at the admission stage itself. The record and proceedings were called for. However, the parties have arrived at an understanding and filed Minutes of Order. These Minutes of Order duly signed by all the Advocates are taken on record and marked 'X' for

identification.

2. In view of the understanding arrived at between the parties, as reflected in the Minutes of Order tendered by them, we admit this appeal and for the principal reason that the defendants in Civil Suit No.1106 of 1993 were not served with the amendment applications, Exhibits 68 and 70 to the suit, we set aside the judgment and order dated 4th May 2001 passed therein by the learned Civil Judge Senior Division, Pune. There will be an order in terms of the Minutes of Order. Appeal stands partly allowed in terms of the Minutes of Order with no order as to costs.

3. Record and proceedings be sent down forthwith.

(H.L.GOKHALE, J.)

(R.S.MOHITE, J.)